

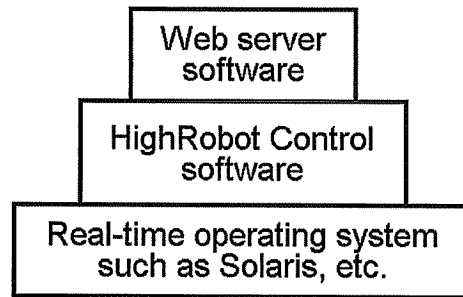
REMARKS

Claims 30-39 are pending. Claims 30-33, 35, and 37 are rejected under 35 USC 102(b) as being anticipated by Kuchlin et al. ("HIGHROBOT: Telerobotics in the Internet", Copyright 1997). Claims 34, 36 and 38 are rejected under 35 USC 103(a) as being unpatentable over Kuchlin in view of US 6,529,780 (Soergel) and US 2004/0015383 (Rathjen). Claim 39 is rejected under 35 USC 103(a) as being unpatentable over Kuchlin in view of US 6,321,272 (Swales). No amendments are made herein. Claims 30-39 are presented for examination. Paragraph numbers herein refer to the substitute specification.

Response to Rejections Under 35 USC 102

In section 9 of the office action, Examiner notes that "web server" can refer to either a computer program supporting HTTP or to a computer that runs such a web server program. Applicants' do not debate that "web server" can mean software. The independent claim 30 sets out "*a web server software system installed on the web server computer*". The point of the argument is that the layering of the web server software relative to the industrial automation control module is different in the present invention versus Kuchlin.

The present invention installs an industrial automation control module on a web server program. In contrast, Kuchlin installs a web server program on an industrial control program (Kuchlin 3.2.4., lines 7-9: "*We installed a Web-Server, discussed in section 4, on the HIGHROBOT control making the system accessible via the Internet.*") and (Kuchlin, page 117, first column, lines 8-10: "*Speaking in software terms, the remote system is a client program that interacts with a server application on the HighRobot control.*"). This layering of Kuchlin is further supported in section 3.2, par. 4, lines 1-2: "*Due to the fact that the HighRobot control is running on the standard operating system Solaris 2.x . . .*"). Thus, HighRobot is installed on the operating system, not on the web server. The layering of Kuchlin must be considered to be taught as described in Kuchlin, not as described in Applicant's specification. Below is a basic drawing by Applicant of Kuchlin's layering to clarify this argument.



Software layers described in Kuchlin

In contrast, see Applicants' FIG 3. The distinctive layering of Applicants is recited in claim 30: "*a plurality of interface-compatible software expansion modules installed on the web server kernel*" and "*a second one of the expansion modules providing real-time process control of at least one hardware component of an industrial automation system*". This is a clear distinction of the present invention under 35 USC 102 over Kuchlin.

MPEP 706.02 V.: "*for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.*"

Examiner states on page 3, lines 1-2: "*Kuchlin discloses a web server carrying out web server functionalities as well as industrial automation functionalities.*" However, Kuchlin does not disclose Applicants' claimed structure, as argued above. MPEP 2144: "*Even if the prior art device performs all the functions recited in the claim, the prior art cannot anticipate the claim if there is any structural difference.*"

Since Kuchlin does not teach every aspect of the invention as claimed in the independent claim, Applicants respectfully request withdrawal of the 102 rejections.

At top of page 9, Examiner holds that software objects are integrated into the HighRobot software, but this does not change the above layering of Kuchlin. Furthermore, the above structural difference results in a benefit. Whereas Applicants' industrial control modules "*are loaded, configured, started, and terminated directly by the web server;*" (claim 30), Kuchlin's

web server must be loaded, started, and terminated by the HighRobot industrial control software. Therefore, Kuchlin's industrial control software has more responsibility and complexity than Applicants' control module, since Applicants' module is managed by the web server. If Kuchlin's industrial control software fails, the web server installed thereon must fail, and client communication is lost. In contrast, if Applicants' industrial control software fails, the webserver need not fail, so a client can still configure, program, or update the control module using the webserver software (par. 13), and can restart it remotely.

Response to Rejections Under 35 USC 103

Soergel, Rathjen, and Swales do not address the above deficiencies in Kuchlin, so the proposed combinations do not produce the invention as claimed in the independent claim 30. Accordingly, Applicants respectfully request withdrawal of the 35 USC 103 rejections.

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Conclusion

For anticipation under 35 USC 102, a reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (MPEP 706.02(a) IV). The identical invention must be shown in as complete detail as recited in the claim, and the elements must be arranged as required by the claim (MPEP §2131). These criteria are not met for the independent claim by Kuchlin, as argued above. Accordingly, Applicants request withdrawal of the 35 USC 102 rejections.

M.P.E.P. 2143.03 provides that to establish prima facie obviousness of a claimed invention, all words in a claim must be considered in judging the patentability of that claim against the prior art. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. Soergel, Rathjen, and Swales do not address the deficiencies in Kuchlin as to independent claim 30, so the proposed combinations do not produce the invention as claimed. Accordingly, Applicants respectfully request withdrawal of the 35 USC 103 rejections.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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